

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID SMITH,

No. 3:16-cv-00412-JE

Plaintiff,

v.

PROVINCE OF THE HOLY NAME, a
California not-for-profit corporation; and
HOLY ROSARY CHURCH, OF PORTLAND,
OREGON, an Oregon not-for-profit
corporation,

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings & Recommendation (#19) on May 26, 2016, in which he recommends the Court grant Plaintiff's motion to remand, deny Plaintiff's request for fees and costs, and deny Defendants' motion to dismiss as moot. Plaintiff and Defendants have timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


I have carefully considered Plaintiff's and Defendants' objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Jelderks's Findings & Recommendation [15], and therefore, Plaintiff's motion to remand [6] is granted, Plaintiff's motion for attorney's fees and costs [6-2] is denied, and Defendants' motion to dismiss [3] is denied as moot.

IT IS SO ORDERED.

DATED this 28 day of JULY, 2016.


 MARCO A. HERNANDEZ
 United States District Judge